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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/817,225      | 03/27/2001  | Nobuhiro Azuma       | 1614.1157           | 7935             |

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EXAMINER

NGUYEN, TAN D

ART UNIT PAPER NUMBER

3629

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                       |  |  |
|------------------------------|---------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/817,225  | <b>Applicant(s)</b><br>AZUMA, NOBUHIRO |  |
|                              | <b>Examiner</b><br>Tan Dean D. Nguyen | <b>Art Unit</b><br>3629                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/17/06 has been entered.

#### ***(1) Response to Amendment***

The amendments filed 1/17/06 have been entered.

#### ***(2) Claim Status***

Independent Claims 1, 2, 3, 4 are active and are rejected as followed.

#### ***(3) Claim Rejections - 35 USC § 112***

1. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The 1<sup>st</sup> step of method claim 2 and 2<sup>nd</sup> step of method claim 4, "evaluating accuracy ... indicating whether a plurality of items .... are accurate" is vague and indefinite. It's not clear what it means? A citation or an example in the specification to clarify this point is requested to overcome the rejection. Similarly, the systems of 1 and 3 are rejected for similar reasons set forth in the method claims 2 and 4 above.

**(4) Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 4, 2 (methods), 1 and 3 (systems) are rejected under 35**

**U.S.C. 103(a) as being obvious over Applicant Admitted Prior Art (or AAPA) in view of STOREY or vice versa.**

**As for independent Method claims 4 and 2**, which have similar limitations, AAPA, as shown on page 1, under "Description of the Related Art", discloses that in the real estate business, gathering business deal information is very important to win a large number of orders (purchases) and the gathering step has been mainly performed by hand (manually) and not put into a computer system.

In a system for managing business transaction (deal), STOREY discloses an automatic method for managing a business transaction (purchase of an item, such as ordering a merchandise or product) and managing the awards/rewards related to the transaction to registered (or enrolled) members of a group in accordance with registered member point files stored in a computer connected to a network {see Fig. 2, (180E), col. 5, lines 44-57}, comprising:

(a) allowing the computer connected to the network (or online or Internet) to receive the information provided from a user terminal connected to the electronic network, and evaluating accuracy of information whether a plurality of items (some

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information) which are included in purchase information supplied from the registered member, are accurate (or checking or verifying some user input information) {Fig. 2, (140), col. 5, lines 8-10, 20-25 (or col. 5:8-10, 20-25) some information such as credit card information, i.e. (1) credit card number and (2) dollar amount), col. 5:28-35 "Credit Check"} and;

(b) adding or incrementing a number of points in the registered member point file of the registered member supplying information, for each of the plurality of items confirmed to be accurate (see Fig. 2, 170, 180E, 190, 200, col. 5:44-55). As for the limitation of receiving the information from a user terminal, this is taught in col. 5:1-10 wherein the user feeds in a lot of information from his terminal to the on-line network. Note, that the term "user" is broad and could include any one who uses the system or element of Fig. 2. Alternatively, since the method is carried out online or on the Internet, the use of computer to connect to the network is inherently in Fig. 2 of STOREY or would have been obvious to install them to allow the accessing and functioning on the Internet.

It would have been obvious to modify the manual management of real estate business deal/transaction of AAPA by using the computer automated system of STOREY as mere obvious replacing of manual activity with automatic means. In re Vennel, 120 UQ 192. Alternatively, it would have been obvious to modify the manual management of real estate business deal/transaction of AAPA by using the computer automated system of STOREY for the advantage of providing automatic, on-line,

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interactive award redemption program which is fully integrated {see col. 1, lines 13-15, or lines 62-64}.

Vice versa, it would have been obvious to modify the teachings of STOREY by changing the purchased item/product from merchandise/product to house (real estate) as taught by AAPA as mere replacing similar purchase item/product to achieve similar results.

Note also that the evaluating/checking/verifying of other similar or desired business transaction/deal information using the same managing/checking steps above to achieve similar result would have been obvious to a skilled artisan, experienced businessperson with a college degree, as mere using other similar/equivalent business steps to achieve similar results, absent evidence of unexpected results.

**As for Independent apparatus claims 1 and 3**, which have similar limitations as in method claims 2, and 4, STOREY in view of AAPA or vice versa would disclose a business information managing system of registered/enrolled members comprising:

(a) a real estate (house) business information reception unit formed in a part of a computer connected to an electronic network for receiving real estate (house) purchase information from a registered member containing a plurality of items over the electronic network {see Fig. 2, 130, 150P, 170, 180E, col. 5:1-45},

(b) a registered member point file formed in a part of the computer, the registered member point file managing points attributed to each of the registered member {see c5:45-55},

(c ) a confirmation information reception unit formed in a part of the computer, the confirming unit confirm the accuracy of real estate deal information sent from user terminals by registered members {see col. 5:8-10, 24-33, col. 7:60-67, col. 8:1-8}, and

(d) a point accumulation unit connected to the network, said point accumulation unit adjusting points earned by registered members based on whether information sent fro user terminal by registered member is confirmed by the confirmation information reception unit {see Fig. 2, 190, 200, 210}. As for the limitation of receiving the information from a user terminal, this is taught in c5:1-10 wherein the user feeds in a lot of information from his terminal to the on-line network. Note, that the term "user" is broad and could include any one who uses the system or element of Fig. 2.

Alternatively, since the method is carried out online or on the Internet, the use of computer to connect to the network is inherently in Fig. 2 of STOREY or would have been obvious to install them to allow the accessing and functioning on the Internet.

Alternatively, the evaluating/checking/verifying of other similar or desired business transaction/deal information using the same managing/checking steps above to achieve similar result would have been obvious to a skilled artisan, experienced businessperson with a college degree, as mere using other similar/equivalent business steps to achieve similar results, absent evidence of unexpected results.

Alternatively, as for Independent apparatus claims 1 and 3, which are the respective elements to carry out the steps of method claims 2 and 4 above, they are rejected over the elements to carry out the steps as indicated in the rejections of claims 1 and 3 above.

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**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US 5,692,206 discloses a method and apparatus for automating the generation of legal document.

2) US 6,226,623, discloses a global financial services integration system and process.

No claims are allowed.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).


In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov).

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn  
March 17, 2006

  
DEAN T. NGUYEN  
PRIMARY EXAMINER